

**ATTACHMENT B**  
**IN THE UNITED STATES DISTRICT COURT FOR**  
**THE WESTERN DISTRICT OF MISSOURI**

**AFFIDAVIT**

I, Russell Ussery, being first duly sworn, do hereby depose and state the following:

1. Your affiant is a Deportation Officer with the Department of Homeland Security, United States Immigration and Custom Enforcement (ICE). I am presently assigned to the Springfield, Missouri, Enforcement and Removal Office. Among my primary duties as Deportation Officer is the investigation of illegal aliens currently located within the United States. I have received training in the area of illegal aliens reentering the United States and have had the opportunity to participate in separate investigations involving these criminal violations.


2. This affidavit is submitted for the limited purpose of establishing probable cause that HUGO MARTINEZ-SILVA, the defendant herein, committed a violation of Title 8, United States Code, Section 1326(a). Consequently, this affidavit does not include every fact known to me.

3. On October 3, 2018, HUGO MARTINEZ-SILVA, date of birth, September 1, 1986, herein referred to as the defendant, an alien who is a citizen and native of Mexico, was arrested by Enforcement and Removal Operations, Springfield, Missouri at the El Charro Mexican Restaurant located at 1710 Porter Wagner Drive, West Plains Missouri. Prior investigation and surveillance revealed the defendant was the subject of a final order of removal from the United States with two confirmed deportations from the United States to Mexico. In custody the defendant's finger prints were scanned into IAFIS, (Integrated Automated Fingerprint Identification System). This provided a positive biometric match to HUGO MARTINEZ-SILVA, Alien File Number A88 607 687.

4. A review of the defendant's official immigration file revealed that on July 28, 2009, the defendant became the subject of a final order of removal from the United States, and was subsequently deported from the United States to Mexico on November 30, 2009, at Brownsville, Texas, and again on December 31, 2009, at Nogales, Arizona.

5. A review of the defendant's official immigration file and Immigration and Customs Enforcement computer indices indicate no record of the defendant obtaining permission from the United States Attorney General or the Secretary of the Department of Homeland Security for admission after deportation.

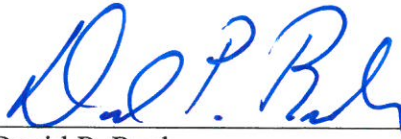
Further affiant sayeth not.



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Russell Ussery  
Deportation Officer  
United States Immigration and Custom  
Enforcement

Sworn and subscribed to before me this 22<sup>nd</sup> day of October, 2018.



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David P. Rush  
United States Magistrate Judge